

SUPERIOR COURT IN THE STATE OF CALIFORNIA
COUNTY OF YOLO

PEOPLE OF THE STATE OF CALIFORNIA
Plaintiff,

Case CR-F -08-0003355

vs.

MINUTE ORDER

MARCO ANTONIO TOPETE
Defendant.

Judge: TIMOTHY L. FALL
Clerk: TRACEE A. GRIMES
Reporter: MICHELLE MULLER
Date: JULY 31, 2009 @ 9:00 A.M.

HEARING RE: CCP 170.1

Counsel for the People: JEFF REISIG, District Attorney
GARRETT HAMILTON, Assistant District Attorney

Counsel for Defendant(s): HAYES GABLE, Attorney
THOMAS PURTELL, Attorney

9:00 A.M.

Defendant and counsel are again present.

Court finds certificate of service re: Declaration of Disqualification under CCP 170.1 on the clerk July 24, 2009 was not effective since the Court was in Los Angeles at the time of service and not in the courthouse. Court finds service effective as of today.

Defense counsel agrees to proceed with service effective today.

This Court recollects a disclosure being made at a hearing in 2008 but agrees with defense counsel that it does not appear in any transcripts prepared so far.

Defense Attorney Purtell states that he has searched and unable to find any disclosure in the records and because this being a capital case, everything should be in the record.

Assistance District Attorney Hamilton does remember the Court making such admonishments.

Defense counsel Purtell states District Attorney Hamilton had not attended the first hearing on August 8, 2008.

Court makes an inquiry of defense counsel of any memory of said disclosure being made at the first hearing. The defense state they do not recollect the Court making the disclosure.

Court deems service of the Declaration for Disqualification under CCP 170.1 was properly made as of today. Court notes that various things shall occur under CCP 170.3 and confirms the HEARING set for FRIDAY, AUGUST 7, 2009 at 9:00 A.M. in DEPARTMENT 2.

END OF HEARING 9:15 A.M.

Court adjourned.

Defendant remains in the custody of the Sheriff without bail; parole hold remains in place.